

REMARKS

The Office Action mailed June 29, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 103(a)

Claims 1 – 46 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hawkins et al. (U.S. pat. no. 6,516,202, hereinafter, “Hawkins”) in view of Macor (U.S. pat. no. 6,463,299, hereinafter, “Macor”).

Claim 1, from which Claims 2 – 15 and 17 – 25 depend, reads as follows:

1. A wireless communication device which provides communication capability for a personal data assistant, the device comprising:

a housing adapted to detachably mate with the personal data assistant and be portable therewith;

a modem within the housing, the modem adapted to provide exclusive wireless communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant; and

logic in the housing adapted to periodically check for message notifications and provide notification of same independently of the established communication link, said logic being capable of operation while the personal data assistant is mated to the housing and is running a separate application.

Hawkins is directed to an expansion unit for an organizer. The expansion unit comprises a cellular element 350 that plugs into organizer 300 and provides the organizer with cellular communication capabilities.

The Office Action acknowledges that Hawkins fails to disclose logic in the cellular component 350 to “periodically check for message notifications and provide notification of same independently of the established communication link, said logic being capable of operation while the personal data assistant is mated to the housing and is running a separate application.” (Claim 1). The Office Action states:

Macor discloses the utility of providing a means for checking message notifications in an auxiliary device connected to a data processing device independent of the connection between them (citation omitted), note that the portable device has the ability o display such notifications without it being connected to the computer unit.

Presumably, the auxiliary device is remote unit 14 and the data processing device is base unit 12. Claim 1 recites “logic in the housing [of the communication device] adapted to periodically check for message notifications and provide notification of same independently of the established communication link, said logic being capable of operation while the personal data assistant is mated to the housing and is running a separate application.” This feature is simply not shown in Macor, and the broad allegation that Macor discloses “the utility of providing a means for checking message notifications in an auxiliary device connected to a data processing device independent of the connection between them” does not address its absence. For instance, the “means for checking message notifications”—presumably, the message subroutine of CPU

16—appears in base unit 12 of Macor,¹ not in remote unit 14. This is the opposite of what the Office Action states, that the means for checking messages is in the auxiliary device. Therefore if this feature of Macor were combined with Hawkins, it would mean that organizer 300 would have to contain the logic, which is unworkable since the whole thrust of Hawkins is to furnish the organizer, which has no cellular communication capability by itself, with such capability by providing cellular component 350. This would be pointless if organizer 300 already had such capability, as would be necessary if the characterizations in Office Action were true.

Further, the message subroutine of CPU 16 is of Macor does “not periodically check for message notifications” and does not operate “while the personal data assistant is mated to the housing and is running a separate application.” There is no teaching or suggestion in Macor that the message subroutine periodically checks for message notifications. The message subroutine only passively responds to the failure of user to take a call after a number of rings. There is no active periodic checking for message notifications as recited in claim 1. Further, remote unit 14 of Macor is simply a telephone handset, not a data assistant or any “data processing device,” and is incapable of running a separate application as claim 1 also recites. Therefore the “logic” of Macor which the Office Action proposes to import into Hawkins is different from the logic which claim 1 recites, and therefore even if Macor and Hawkins were properly combinable, the presently claimed invention would not result or become obvious.

Further, the combination of Hawkins and Macor is improper because in Hawkins, cellular component 350 is mated to organizer 300 and is portable therewith. Unlike in Macor, in which

¹ “after a predetermined number of rings, a message subroutine is executed by CPU 16 [of base unit 2],” Macor, col.

base unit 12 is stationary and handset 14 is portable, there is no need to send message notifications from the cellular component 350 to the organizer 300 in Hawkins. The user of the organizer 300 knows he/she can access the expansion unit 300 to check for messages, even though this is problematic because the user must discontinue any current application on the organizer and begin a new, message-checking application.

Further, as stated above, portable handset 14 is incapable of “running a separate application,” and, by definition, can only operate when a connection between it and base unit 12 is established. Therefore one of ordinary skill in the art would not look to Macor to modify Hawkins so as to provide logic in the cellular component 350 to “periodically check for message notifications and provide notification of same independently of the established communication link, said logic being capable of operation while the personal data assistant is mated to the housing and is running a separate application.” (Claim 1).

Claims 26 and 36, from which the remaining pending claims depend, contain similar features and are patentable over the combination of Hawkins and Macor for at least the same reasons.

Claim 14 has been amended to state that “the modem is a standard PCMCIA card capable of supporting a communication protocol including one of cellular digital packet data (CDPD) protocol and code-division multiple access (CDMA)protocol .” Support for this feature can be found for example on page 9, lines 8 – 11.

4, lines 18 – 19.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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